

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3550 of 2018

- Smt. Mela Bai W/o Rajau Satnami, Aged About 45 Years, R/o- Latuwa, Police Station Baloda Bazar, District- Balodabazar-Bhatapara, Chhattisgarh., District : Balodabazar-Bhatapara, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through- Station House Officer, Police Of Police Station City Kotwali, Baloda Bazar, District- Balodabazar-Bhatapara, Chhattisgarh., District : Balodabazar-Bhatapara, Chhattisgarh

----Non-applicant

For Applicant – Shri Samir Singh, Advocate.

For Non-applicant/State – Shri Ashok Swarnkar, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

18-05-2018

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court filed by the applicant for grant of regular bail. The applicant has been arrested on 29-04-2018 in connection with Crime No.228/18 registered at P.S. - City Kotwali, Baloda Bazar, District- Balodabazar-Bhatapara, Chhattisgarh for the offence under Section 34(2) of C.G. Excise Act (in short 'the Excise Act').

2. It is submitted on behalf of the applicant that the applicant has been falsely implicated in this case. She is in custody since 29-04-2018. Hence, it is prayed that the applicant may be granted regular bail.

3. Learned counsel for the State/non-applicant opposes the application and submission. It is submitted that in total 6 bulk liter illicit liquor has been seized from the possession of the applicant. Also, there is one previous case under Section 34(1)(a) of the Excise Act and two previous cases under Section 34(2) of the Excise registered against this applicant. Hence, she is not entitled for grant of bail.

4. Heard learned counsel for both the parties and perused the case diary.

5. Considered on the submissions made and the contents of the case diary. Though one previous case under Section 34(1)(a) of the Excise Act and two previous cases under Section 34(2) of the Excise Act have been reported against the applicant, but, conviction or acquittal of the applicant in the aforesaid previous cases has not been reported, further in the present matter detention of the applicant till conclusion of the trial would not serve any purpose. Hence, for these reasons, I am of the view that the application deserves to be allowed.

6. Consequently, this application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail is hereby allowed. It is directed that the applicant shall be released on bail on her furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Court, for her appearance as and when directed.

7. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge